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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

AMERICAN REGENT, INC.,

*Plaintiff,*

v.

SOMERSET THERAPEUTICS, LLC,  
SOMERSET PHARMA, LLC, ODIN  
PHARMACEUTICALS, LLC, APOTEX  
INC, APOTEX CORP, and RK PHARMA,  
INC.,

*Defendants.*

Civil Action Nos. 24 CV 1022 (BRM)(CLW)  
24 CV 1030 (BRM)(CLW)  
24 CV 1169 (BRM)(CLW)  
24 CV 2268 (BRM)(CLW)  
(Consolidated)

**Motion Day: April 7, 2025**

**NOTICE OF MOTION TO DISMISS RK PHARMA'S INEQUITABLE CONDUCT  
COUNTERCLAIMS AND STRIKE RK PHARMA'S  
INEQUITABLE CONDUCT DEFENSES**

**PLEASE TAKE NOTICE** that on April 7, 2025, or as soon thereafter as counsel can be heard, the undersigned counsel for Plaintiff American Regent, Inc. (“Plaintiff”), shall move before the Honorable Brian R. Martinotti, U.S.D.J., for the entry of an Order granting Plaintiff’s Motion to Dismiss RK Pharma’s Inequitable Conduct Counterclaims and Strike RK Pharma’s Inequitable Conduct Defenses.

**PLEASE TAKE FURTHER NOTICE THAT** in support of this Motion, the undersigned shall rely upon the accompanying Memorandum of Law and any subsequent reply submissions, together with all pleadings and proceedings on file in this matter.

**PLEASE TAKE FURTHER NOTICE THAT** a Proposed Order is also submitted for the Court’s consideration.

Dated: February 25, 2025

/s/ Charles H. Chevalier  
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*Attorneys for Plaintiff American Regent, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Plaintiffs' Motion to Partially Dismiss Counterclaim Count II and to Partially Strike the Second Affirmative Defense and Memorandum of Law were caused to be served on RK Pharma, Inc.'s counsel of record by email and ECF on February 25, 2025:

/s/ Charles H. Chevalier  
Charles H. Chevalier